



Digging for power

Women empowerment and justice amidst extractive industry developments in the Albertine and Karamoja, Uganda



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ACRONYMS LIST

ANARDE	Advocate for Natural Resources and Development
ASF	Avocats Sans Frontières
ASM	Artisanal and Small-scale Mining
CDO	Community Development Officer
CLO	Community Liaison Officer
CNOOC	CNOOC Uganda Ltd
CPF	Central Processing Facility
CSO	Civil Society Organisation
EI	Extractive Industries
FGD	Focus Group discussion
GBV	Gender Based Violence
GoU	Government of Uganda
JLOS	Justice, Law and Order Sector
JV	Joint Venture
NGO	Non-Governmental Organisation
PSA	Production Sharing Agreements
Total	Total E&P Uganda B.V.
Tullow	Tullow Uganda Operations Pty Limited

INTRODUCTION

The development of Extractive industries (EI) in resource-rich regions where institutions and law enforcement are weak can be both a curse and a panacea for local communities. As they stand between the benefits and disadvantages of boosting economic activity,¹ a large body of evidence from research and practice shows that women tend to be more adversely affected than men by the industrial exploitation of their natural resources, and that the development of EIs tends to fuel gender inequality.² Men are likely to get a greater share of the benefits than women in terms of employment and income. Women on the other hand are more exposed to the negative consequences – social disruptions, environmental degradation – as those often affect their source of income.

Uganda has so far shown to be no exception to those trends as it is undergoing an economic transition in which extractive resources are to play a central role.³ Artisanal mineral extractive industries are on their way to formalisation or growing into semi-industrial exploitations, whereas the discovery of large viable deposits of oil has brought about heavy infrastructural projects. Amidst those developments, legal frameworks which protect the rights of local populations affected by EIs have been partially implemented leading to multiple violations and abuses of the rights of land owners and users as well as workers employed in these industries.⁴

A lot of attention has been paid already to the impact of EIs on local populations and on women specifically.⁵ However, much less is known about how women deal with the changes induced by EIs in their everyday lives. In carrying out this research, Avocats Sans Frontières (ASF) aimed to shed light on women's initiatives to adapt to, prevent or mitigate the impact

¹ For Uganda, see Ogwang, Tom, Frank Vanclay and Arjan van den Assem "Impacts of the oil boom on the lives of people living in the Albertine Graben region of Uganda" *The Extractive Industries and Society* 5 (2018), 98-103; Nicholas Dowhaniuk et al., "The impact of industrial oil development on a protected area landscape: demographic and social change at Murchison Falls Conservation Area, Uganda", *Population and Environment*, 39 (2018), 197-218.

² See e.g. Eftimie, Adriana, Katherine Heller, John Strongman, *Gender Dimensions of the Extractive Industries: Mining for Equity*, The World Bank, Extractive Industries and Development Series #8 (Washington, D.C: August 2009); UN Women, Eastern and Southern Africa Regional Office, *Gender Equality in the Extractive Industries in Africa*, Policy Brief (Nairobi: 2014); UN Women, Eastern and Southern Africa Regional Office, *Promoting Women's Participation in the Extractive Industries Sector: Examples of Emerging Good Practices*, (Nairobi: September 2016); Macdonald, Catherine, "The role of gender in the extractives industries", United Nations Institute, *WIDER Working Paper* n. 52 (2017), Hill, Christina, Chris Madden and Maria Ezpeleta, *Gender and the Extractive Industries: Putting Gender on the Corporate Agenda*, Oxfam (2016); Oxfam International, *Position Paper on Gender Justice and the Extractive Industries* (March 2017)

³ Cf. plans made for the development of the country by 2040, in which 'oil and gas' and 'minerals' are identified as key economic opportunities. Government of Uganda, *Uganda Vision 2040*, Uganda Printing and Publishing Company Ltd. (2010).

⁴ Avocats Sans Frontières (ASF), *Human Rights Implications of Extractive Industry Activities in Uganda: A Study of the Mineral Sector in Karamoja and the Oil Refinery in Bunyoro*, (Brussels and Kampala: 2014).

⁵ See e.g. ASF, *Human Right Implications*; Global Rights Alert, *Assessing Gender Sensitivity in Uganda's Extractives* (Kampala: June 2017); Human Rights Watch (HRW), "How Can We Survive Here?": *The Impact of Mining on Human Rights in Karamoja*, Uganda (USA: 2014); Ngabiirwe, Winfred, Robert B Tumwesigye and Hassan B. Muloopa, M.Sc, *Human Rights Status in the Gold Supply Chain of Uganda: A Case for Artisanal Small-Scale Mining in Karamoja Region*, Global Rights Alert (December 2012); International Alert, *Governance and livelihoods in Uganda's oil-rich Albertine Graben* (London: March 2013); National Association of Professional Environmentalists (NAPE) et al., *Land and Food Sovereignty in Uganda's Oil Region*, (Kampala: 2015/2016); NAPE, Womankind Worldwide and National Association for Women's Action in Development (NAWAD) , *Digging Deep: The impact of Uganda's land rush on women's rights* (London: 2018); Saferworld, *Mining in Uganda: A conflict sensitive analysis* (London and Kampala: August 2017).; Ogwang, Tom, Frank Vanclay and Arjan van Den Assem, "Impacts of the oil boom on the lives of people living in the Albertine Graben region of Uganda", *The Extractive Industries and Society* 5, n.1 (2018): 98.

of EIs on their way of living. We wanted to give voice to the women engaged in or affected by those industries. Taking an interest in their individual and collective initiatives, our purpose was to put forward elements for civil society, government and private actors to support women in developing strategies to better take advantage of economic development in their area.

What most strikingly stood out from our research is that the arrival of EIs in an already fragile environment creates avenues for women to take initiatives to answer immediate needs of an economic nature, while limiting their ability to react when facing other types of injustice, such as violations in their rights to access land or gender based violence (GBV). On such issues, action is hindered by the fact that women have to call upon external supporting structures, many of which have been weakened by the growing presence of EIs or do not have the power to deal with issues involving companies.



An oil well close to Kasinyi, Buliisa Sub-County. Disputes are still ongoing between residents, companies and the government around compensations issues.

Methodology and limitations

The research was carried out in the framework of a project aimed at improving access to justice for communities affected by extractive industries, implemented by Avocats Sans Frontières (ASF) and its partner organisation in Uganda Advocate for Natural Resources and Development (ANARDE). The research covers two of our implementation areas: the Karamoja sub-region in the Eastern Region and the Bunyoro Kingdom in the Western Region – parts of which are also geographically referred to as the Albertine Graben.

While culturally distinct, both regions show similarities in the patriarchal norms that their societies hinge on, an element which was relevant to our study. Extractive industries have been expanding in both regions in the past decades, albeit exploiting different resources. The sites were selected for they offer to observe EI-related change in several declinations – oil exploitation, Artisanal and Small-scale Mining (ASM) and semi-industrial mining – and at different stages of development – exploration and infrastructure-building on the one hand, advanced exploitation on the other.

Two mining sites were targeted in Karamoja (Moroto District), chosen for the differences they display in terms of type of industry and minerals exploited. Lolung and Lotonyir gold mining sites in Rupa Sub-County, on the one hand, mostly employ artisanal miners. At Kosiroi limestone quarry in Tapac Sub-County on the other hand, ASM coincides with medium-scale exploitation by companies. Both sites are in Moroto District. In the Albertine, the research focussed on Buseruka Sub-County in Hoima District, more specifically Kabaale Parish where the oil refinery and airport will be constructed (development stage), and Kasenyi Village, Buliisa Sub-County in Buliisa District, where land has been acquired to construct a Central Processing Facility (CPF – also referred to as the Tilenga project) (land acquisition stage).

A total of 107 people were interviewed, selected through local mobilisers. 50 women, 30 artisanal miners (Karamoja) and 20 farmers living on or around forcibly acquired land (Albertine), gave their views during semi-structured interviews of 30-45 minutes or Focus Group discussions (FGDs) of 60-90 minutes. Only two of the women went to secondary school, the rest had no or primary level education. Interviews and FGDs also gathered the views of 28 female and 18 male community leaders. The level of education was generally higher among leaders, significantly for men. On average, the very low education level of women across the sample highlights intersectionality of discrimination factors in the respondents' profiles, a factor likely influencing their perception and experience of change. The interviews and FGDs were administered in local languages, transcribed and translated by trained local interviewers using an interview guide, over a period of one week in each region. 11 open interviews in English also took place with key informants (NGOs and local government representatives in Moroto District and Rupa, Buseruka and Buliisa Sub-Counties). Desk-based research and activity reports from ASF and ANARDE were used to complement the data.

The fact that the research was part of an ongoing project supporting local populations potentially brought a bias towards answers seeking to elicit support. However, the field presence of our teams was key in ensuring access to communities, respondents and interviewers. Local presence also offers opportunities for concrete follow-up action, as the data collected will provide strong evidence for developing further projects.

I. "They say our watermelon is not meeting their standards": Between opportunities and injustice

The arrival and development of the extractive industry in Uganda elicited a process of change which touches upon multiple aspects of communities' and people's daily lives. For women, changes should be read through the prism of the patriarchal socio-cultural context in which they take place, bringing on the one side opportunities to emancipate through economic development, yet worsening their condition at many other levels, from health issues to discrimination in employment and access to land, gender-based violence or negative environmental consequences.

I.1. Extractive industries and communities: Eliciting deep change

Over the last ten years, foreign and national companies have increasingly invested into the extractive sector in Uganda.⁶ Industrialisation took different courses in the mining and oil sectors. In the former, artisanal industries of gold, marble and limestone that long existed in the Districts of Moroto, Tororo (Eastern), Mukono and Mubende (Central) progressively scaled up to small and medium industries. ASM represented the vast majority (90%) of the country's industrial and metallic mineral production in 2008.⁷ The sector is undergoing a formalisation process and recent steps have been taken towards a better regulation of ASM.⁸ In the oil sector on the other hand, where exploitation is conditioned to the presence of companies, communities saw the development of an entirely new economic activity, requesting new infrastructure, as companies started to tap into the natural resources they were living upon.

In Moroto, the parallel expansion of ASM and rise of industrial exploitation of minerals have turned mining into an essential activity for many Karamajongs, alongside livestock herding and agriculture. ASM employs an estimated 22,500 people in the region for the gold sector only, including women and children.⁹ As women make up a large proportion of the miners, mining not only enables families to generate additional revenue, but also women to increase their financial contribution to the household.¹⁰ In practice, it is not always easy to determine where ASM stops and industrial exploitation starts. What is clear is that only a small proportion of the local population is directly employed by companies. Interactions between them thus mostly take place through commercial exchanges.

Important developments have also been taking place in the Albertine Graben since the long suspected presence of commercially exploitable oil became official news in 2006. Along with raising considerable expectations from the Government of Uganda (GoU) and the population,¹¹ the discovery attracted a flock of international investors into the region. A Joint

⁶ Uganda Consortium on Corporate Accountability (UCCA), *The state of corporate accountability in Uganda* (Kampala: September 2016), 2

⁷ Barreto *et al.*, *Economic Contributions*, 1.

⁸ The new Minerals and Mining Laws and Policy are pending adoption. The 2018 Draft Minerals and Mining Policy, among others, sets gender equity as an objective and establishes an ASM Fund to support miners and a Mining Tribunal to "arbitrate minerals and mining disputes". See also Barreto *et al.* *Economic Contributions*, 5.

⁹ Barreto, Laura, Patrick Schein, Jennifer Hinton and Felix Hruschka, *The Economic Contributions of Artisanal and Small-Scale Mining in Uganda: Gold and Clay*, Pact Global UK & Alliance for Responsible Mining (Westcombe: 2018), 18.

¹⁰ *Ibid.*, 19. Estimated percentages of women in mining vary according to sectors, from 40-80% in alluvial gold mining to 30-40 % in hard rock gold mining.

¹¹ Bategeka, Lawrence, Julius Kiiza and Sarah Sswewanyana, *Oil discovery in Uganda: Managing expectations*, Economic Policy Research Centre and Makerere University (Kampala: 2015).

Venture (JV) was set up between CNOOC Uganda Ltd (CNOOC), Total E&P Uganda B.V. (Total) and Tullow Uganda Operations Pty Limited (Tullow) to carry out the exploitation. International companies got contracted to implement acquisition and resettlement plans and build the necessary infrastructure, creating formal employment. The little local workforce employed, mostly composed of men, performs low-skilled jobs and is in competition with workers coming from all over Uganda. Interactions between companies and communities primarily occur outside the employment framework, and tend to centre around issues of land acquisition.

Companies must seek licenses from the GoU to undertake the exploration and exploitation of natural resources located underground, while compensating the land owners or occupants for the disturbance of their surface rights (crops, housing etc.). In most cases, companies will seek to acquire land to develop long-term exploitation. As foreigners are not entitled to own land in Uganda, they must either rent it out from its owners (CNOOC's preference), or follow the compulsory land acquisition procedure (as done by Tullow and Total). In that case the Government declares the land as vested with public interest, compensates the owners and takes possession. The land is later rented out to the company.

In practice however, the Production Sharing Agreements (PSA) which bind the JV Partners and the Government allocate the responsibility for the land acquisition process to the JV Partners.¹² The companies thus lead those processes, during which they consult communities through designated representatives. Those money-related interactions have led communities to link land acquisitions – and thus the arrival of companies – with the short-lived yet concrete economic opportunity of obtaining compensations.

In both contexts, the socio-cultural fabric of communities and families was deeply affected by migrations, changes in income patterns and acquisition processes. In Moroto, increased rates of alcoholism, HIV, prostitution and GBV have been reported, very often attributed to the arrival of external workers employed by EIs.¹³ Those issues also emerge in the Albertine, compounded by the sudden influx of cash that came with compensations. The heavy social consequences of this phenomenon have been well-documented already,¹⁴ from husbands disappearing with compensation money, to the money being wasted due to lack of financial management skills or indulgence in “uncontrolled luxury: alcohol, motorcycles and prostitution.”¹⁵ Land conflicts and land-grabbing also increased due to speculation. In both Kabaale and Kasenyi, important delays burdened the compensation and resettlement processes. In Kabaale, some of those living on land gazetted for the refinery had to wait for more than six years, during which they were no longer able to plant perennial crops and effectively plan to secure future income.¹⁶ Precariousness increased as people got into debt to cover basic needs and rented out land somewhere else.

For women, those changes took roots into a patriarchal social context, similar in both areas, which can be characterised by two strands. On the one hand, women are, traditionally, primarily concerned with domestic and family care which confers them a crucial economic role within the household.¹⁷ On the other hand, women are still largely excluded from decision-

¹² Government of Uganda, CNOOC Uganda Ltd, Total E&P Uganda B.V. & Tullow Uganda Operations Pty Limited, *Land Acquisition and Resettlement Framework: Petroleum Development and Production in the Albertine Graben (LARP)* (December 2016), referring to the Partnership Sharing Agreements, p.32.

¹³ Those issues have been largely documented and are confirmed by our observations. For Karamoja, see e.g. Barreto *et al.*, *Economic Contributions of ASM and HRW, Impact of Mining*.

¹⁴ See e.g. NAPE, *Negative Impacts of Oil on Women*; GRA, *Assessing Gender Sensitivity*.

¹⁵ Interview with Buseruka Sub-County Chief of Administrative Operations, Buseruka Sub-County, 9 May 2018.

¹⁶ See Opio, Christopher, “Government shouldn’t use refinery land before compensating us”, *The Observer*, 19 May 2017; Busiinge, George, “Six Years Later, Oil Refinery Affected People Awaits for Relocation”, *Earth Finds*, 13 March 2017.

¹⁷ See e.g. International Alert, *Governance and livelihoods*, 25-28.

making and participation in households and communities and their opinion considered unworthy in public debates.¹⁸ This results in a contradictory condition in which women are endowed with a strong economic role yet weak social status. In such a context, EIs have in many ways been a catalyser of injustice for women, who suffered disproportionately from the negative consequences of EI developments while not being able to respond to upcoming injustices, a phenomenon we look at in section I.3. Conversely, we also found that women's strong economic role places them in a pole position to seize opportunities offered by EIs in that respect (section I.2).

I.2. Extractive industries and women: Holding opportunities

The women we interacted with in both areas associate extractive industries with new economic opportunities. In Karamoja, the subsistence of ASM alongside exploitation by companies offers a range of unskilled and accessible jobs for women, who are more likely to be uneducated than men.¹⁹ Women typically perform tasks such as splitting big stones or sieving the ore for gold, usually excavated or extracted by men or companies. Besides mining, women also undertake a series of related activities including fetching water and firewood, preparing and selling the 'local brew' (a sorghum-based alcohol) and running small food businesses. All women interviewed underline the positive effects of artisanal mining in their lives,²⁰ both in terms of fulfilling short-term needs and planning for the longer-term:

"Ever since I started limestone mining, I was able to build a semi-permanent house for my family. I bought more animals and my children and I am able to feed on a balanced diet due to the small money I get from selling a trip [a truck of split limestone between 7 and 35 tons]. I was also able to take my children to school, and the hygiene in my house has improved. I can pay hospital bills for my family and get treatment if we get malaria. [...] Some women have started brewing and some opened small retail business shops."²¹

Importantly, women explain how increasing their direct income enabled them to start saving money and opening bank accounts – often through credit and savings groups – which in turn helped them gain financial independence. As a miner explains:

"I started banking because my husband could always grab money from me."²²

Some community leaders even see positive consequences regarding women's status in the household:

¹⁸ This was repeatedly mentioned during interviews in both regions, and has been largely documented in the Ugandan context. See e.g. GRA, *Assessing Gender Sensitivity*.

¹⁹ The Karamoja region and women score poorly on the majority of education indicators. For instance, the Net Enrollment Rate for children enrolled in primary education is of 24.7% in Karamoja (23.24% for girls) compared to the national average of 80.31%. The proportion of the female population aged 10+ in Karamoja that has never been to school is of 76.5%, against of 64.0% males and a national average of 12.9%. See Uganda Bureau of Statistics, *Education: A Means for Population Transformation*, UBS Thematic Series Based on The National Population and Housing Census 2014 (Kampala: November 2017), 24.

²⁰ Note that women interviewed were all involved in ASM, this study therefore does not cover employment in mining companies.

²¹ Interview with Female Limestone Miner (3), Tapac Sub-County, Moroto District, 19 April 2018, transcript. All transcripts are on file with ASF.

²² Interview with Leader of Kosiroi Women Savings Group, Tapac Sub-County, Moroto District, 18 April 2018, transcript.

"Decision-making in the home has changed. Now women and men work together in the mines and when they get money from the sale of the limestone or gold, they sit and plan for this money together. Not like those days where the husband got his money and drank all of it."²³

Although this is an isolated statement, women miners do mention having some room to decide on how to invest the money they gain – most times into their household but sometimes in new businesses. This is a very relative improvement, however, as it remains a struggle for many Karamojong miners to generate sufficient income to meet basic needs.²⁴

In the Albertine region, the current state of development of the oil industry allows to see how women have been able to benefit from increased economic activity during the infrastructure and exploration works, as well as how they envision their future role in and around the sector. A difference that can be observed between ASM and oil-related employment is that the latter often requires some degree of entrepreneurship for women to seize opportunities, even when it comes to informal employment. Answering the quantity and quality demands of international companies asks that women invest in certain crops, form farmers' groups to scale up the production, or gather capital to start businesses. All of this supposes skills and an ability to take action which are still crucially lacking among Ugandan rural women and prevents them from getting organised. In that respect, it is unsurprising that educated women are seen as more likely to benefit from economic opportunities around EIs. A women Village leader reports:

"The change will be there for people who are educated [...]. The educated will be working with the companies and get an income."²⁵

That being said, low-skilled and accessible jobs do get created within (slashing, cleaning, road signalling, etc.) and around (supplying food, cooking and doing laundry for workers, etc.) the oil-related industry. However, Bunyoro women report how they have been struggling to secure those jobs:

"Why are our women not getting jobs in oil companies? Why do they get women from outside Buliisa to come and do works which we can also do?"²⁶

Lack of education and English skills required in interacting with foreigners, as well as nepotism and corruption that end up favouring Ugandans in position of power, are some of the causes pointed at by respondents. Disbelief that women would be able to meet the high requirements set by industries was largely shared, even for things as basic as supplying food or collecting garbage:

"Companies will say 'go and cultivate watermelon and this and that, we shall buy from you'. But until now, you see vehicles with food in transit coming from other Districts.

²³ Focus Group Discussion (FGD) with Community Leaders, Rupa Sub-County, Moroto District, 19 April 2018, transcript.

²⁴ See e.g. World Food Programme (WFP) and UNICEF, *Food Security & Nutrition Assessment: Karamoja, Uganda* (July 2016), esp. p4, pp.7-8. The study shows that half of the Karamoja household is food insecure, with female-headed households being in a worse-off position. Although this data is not disaggregated by occupation, the miners interviewed underline the challenges they are still facing to meet basic needs.

²⁵ Interview with Resettled Female Farmer (2), Buseruka Sub-County, Hoima District, 9 May 2018, transcript.

²⁶ Interview with Female Sub-County Youth Leader, Buliisa Sub-County, Buliisa District, 9 May 2018, transcript.

We do cultivate watermelons here, but they say our watermelon is not meeting their standards."²⁷

The above underlines how opportunities in the economic sector come with their own challenges. The following section highlights how challenges have been all the more numerous in areas from which women have been traditionally excluded such as access to land, participation in community decision-making, the management of environmental resources, etc.

I.3. Extractive industries and women: Catalysing injustice

There is abundant literature on how women face specific and disproportionate risks when engaging with extractive industries, including low wages, health issues, Gender Based Violence (GBV), HIV, practices of prostitution and exposure to violent conflicts around resources such as land.²⁸ Such issues were also mentioned during our research.

While women welcome the additional source of revenue artisanal mining represents from them, mining is a harsh occupation which they have to undertake on top of their household obligations, and is sometimes not lucrative enough for them to cover all basic needs. Several respondents explained how mining diverted them from their household duties, adding to their daily burden:

"Most days I spend a lot of time in the mining site. Due to the heavy workload, I give less time to my family, especially my children."²⁹

Health issues caused by harsh work are frequent, from back and chest pain to miscarriages. Safety standards and regulations are poorly applied, if at all existing, compounded by the lack of adequate equipment. After an area has been exploited, no restoration of the land is done: large open pits and residual stones prevent many women from farming on those lands as they used to. Occurrences of sexual harassment have been observed on the sites, for instance when women are asked to "pay in nature" to access mine pits owned by men. Complaints of unfair prices set by companies and gold buyers abound, particularly affecting women who are not in a position to negotiate:

"Women are not organised at the mining site to discuss issues, especially on how to bargain for better prices for our gold. Now we just sell to the nearest buyer and we get cheated, because we do not have time to go to town to get better prices."³⁰

In the Albertine, accounts of women unable to cater for their children's and families' needs as a consequence of eviction, climate change, delayed compensation processes and abandon from their husbands are numerous. As the Women Counsellor in Buliisa Sub-County highlights:

²⁷ FGD with Community Leaders, Buseruka Sub-County, Hoima District, 10 May 2018, transcript.

²⁸ See e.g. Eftimie, *Gender Dimension*; UN Women, Eastern and Southern Africa Regional Office, *Gender Equality in the Extractive Industries in Africa*, Policy Brief (Nairobi: 2014); Kotsadam, Andreas, Gudrun Østby and Siri Aas Rustad, "Structural change and wife abuse: A disaggregated study of mineral mining and domestic violence in sub-Saharan Africa, 1999–2013", *Political Geography* 56 (2017): 53; Adusah-Karikari, Augustina, "Black gold in Ghana: Changing livelihoods for women in communities affected by oil production", *The Extractive Industries and Society* 2, n.1, (2015): 24.

²⁹ Interview with Female Limestone Miner (2), Tapac Sub-County, Moroto District, 18 April 2018, transcript.

³⁰ Interview with Female Gold Miner (3), Rupa Sub-County, Moroto District, 19 April 2018, transcript.

"Most problems are for women. Because it is women who cultivate, who feed their family. So if they have no land for cultivation, it's a problem for the house."³¹

Serious gender gaps characterised the consultation processes around land acquisition for the purpose of the oil industry in the Albertine Graben. EIs neglected gender relations which set women aside in decision-making processes either in households or community fora. As a result, women have had limited voice to express their needs and expectations during those processes, however crucial the status of the land they cultivate is to them.³² The sudden increase in cash money, mainly received and handled by men, had important consequences on gender relations and families which will likely outlive the land acquisition processes. The President of one of the residents association in Kabaale recounts:

"Before oil, men and women used to agree with and listen to each other. [...] There was trust. But since this money came... It was a lot of money, it disorganized people's minds. Some had very ambitious ideas which were beyond their thinking capacity. That is why you see that some wasted the money just like that."³³

In Kabaale, women's ability to care for their families was additionally hampered by the 6-year delay in compensating and relocating people. Not only were they no longer able to generate income, but they were also unable to plan for future revenue or educate their children as the school was closed in the gazetted area before people were able to relocate. Women complain about similar issues in the more recent land acquisition process that took place in Kasenyi: at the time of writing, the cut-off date had been imposed for one year and no compensation rate agreed upon yet.

Finally, women in both areas are concerned with deforestation, soil degradation and air pollution that occur as a direct result of industrialisation. They describe more frequent draughts and unpredictable rainfalls which they directly associate with the arrival of EIs:

"Since oil has a lot of heat from underground, we know very well that it is oil that makes our crops to get rotten in soils."³⁴

While EIs are not the sole cause of climate change, the resulting decrease in agricultural productivity jeopardises women's economic role by affecting their main source of income, contributing to a sentiment of powerlessness which underlies most of their accounts of change.

³¹ Interview with District Women Councilor, Buliisa Sub-County, Buliisa District, 20 April 2018, transcript.

³² See e.g. GRA, *Assessing Gender Sensitivity*, 12; NAPE, *Raising Women's Voices*, 8-9; NAPE, *Digging Deep*, 8-10.

³³ Interview with the Male President of the Oil Refinery Residents Association (ORRA), Buseruka Sub-County, Hoima District, 10 May 2018, transcript.

³⁴ Interview with Female Farmer in Kasenyi Village (2), Buliisa Sub-County, Buliisa District, 10 May 2018, transcript.



A woman miner finds her way around an open gold mine pits in Lotonyir, Rupa District.

II. "Moving out of our kitchen": Building resilience, struggling with injustice

One of the elements which stood out during the research is the discrepancy between the wide range of issues women struggle with, and the relatively few actions they report having taken to face them. Most strategies elaborated by women attempt to overcome economic hardship. To some extent, their economic resilience enables them to seize opportunities and even protest against injustices in that field. However, a feeling of disempowerment emerges from women's stories in relation to other forms of injustice³⁵ – for instance concerning their health, land and property rights, physical integrity, public participation and decision-making. Arguably, this could be explained by women's adoption of a pragmatic rationale in which they favour actions that have tangible effects and for which they have resources to act. This rationale espouses the above-described context in which women are at the same time important economic actors but weak voices in society: the absence of avenues for women to express their concerns seems to prevent them from adequately responding to violations of their rights.

II.1. Women's collective response to economic challenges

Faced with injustice at multiple levels, Ugandan women in Karamoja and the Albertine appear to have essentially taken collective action to protect themselves against economic risks and protest against economic insecurities created by EIs. These actions involved the creation of and participation in savings groups but also various forms of protests such as a strike, petitions and the mobilization of external actors (NGOs, company representatives, etc.).

II.1.1. Channelling protest through savings groups

A large amount of women across the survey appears to have joined savings groups in the past years, with as primary objective to improve household resilience and boost entrepreneurship. While this seems to be a country-wide phenomenon,³⁶ accounts of women highlight how savings groups have been instrumental in answering their economic needs and face changes brought about by EIs. A recent report mentions about 70 women's savings groups formed by NGOs in Rupa and Tapac mining areas.³⁷ The Community Development Officer (CDO) at Buseruka Sub-County told us how she has been encouraging women to form groups so they can benefit from the national Uganda Women Entrepreneurship Programme (UWEP), which supports women who get together around a business project. Eighty-five such groups applied in Buseruka in the last two years, although many more reportedly exist. In Buliisa Sub-County, the Women Counsellor has been active for four years forming women savings and credit groups, and more than a hundred exist today.

Not only local leaders and civil society, but also companies are encouraging this process:

³⁵ This feeling is especially noticeable among women with a lower level of education, suggesting that intersectionality compounds the issues.

³⁶ See Karlan, Dean, Beniamino Savonitto, Bram Thuysbaert and Christopher Udry, "Impact of savings groups on the lives of the poor", *PNAS* 114, n. 12 (2017): 3079.

³⁷ Barreto et al., *Economic Contributions of ASM*, 43-44.

"Women are now forming groups [...] These days women have been made aware of their rights. Also, oil companies only want registered groups and this has made women groups begin to register."³⁸

Women's descriptions of savings groups indicate that they contribute to their economic and social empowerment through increasing their financial inclusion. Although for most women, "these groups are just savings groups"³⁹ and are not used to discuss rights issues in relation to EIs, some women leaders do see them as more than a just a way to save money. As put by the leader of the Kasenyi Women Savings Group, "since we are organized in the group it makes it easy for us to share out our concerns."⁴⁰ A handful of women's groups do explicitly promote women's rights, some of them still pursuing economic objectives. One member of the Ngwedo Women's Association captures well how economic purposes are used by women to assert their position in society:

"We are fighting together to see that as women we also benefit from the oil. We give food to [workers] in the camps by supplying them with watermelons, onions, tomatoes we have planted. As women we do not want to be left out in the oil business, we move out of the kitchen and our voices are heard."⁴¹

In both contexts, joining and forming savings group can be perceived as a means of resistance. They present possibilities for women to benefit from the oil industry (e.g. to invest in a certain crop or service to supply companies), or capitalize on the profits made through mining (e.g. to start a small business such as brewing, send children to school, or build semi-permanent houses). But personal and collective initiatives taken in the economic field are not only ways of directly improving women's economic conditions: as examples provided in the next section show, they can also provide grounds for collectively conceptualising the action. As such, they constitute a stepping stone for emancipation.

RECOMMENDATIONS

To CSOs and local authorities:

- Develop projects supporting the formation and strengthening of women savings and credit groups. In particular, support is needed to legally register those groups and provide them with financial, management and administrative skills.
 - In the mining sector, those actions should take into account women's new financial opportunities while acknowledging there might be resistance from men. The focus should be placed on managing multiple sources of income at the household level.

³⁸ FGD with Community Leaders, Buliisa Sub-County, Buliisa District, 9 May 2018, transcript.

³⁹ Interview with Female Farmer living in the vicinity of Kasenyi Village (1), Buliisa Sub-County, Buliisa District, 10 May 2018, transcript. That being said, large amounts of women in both areas remain excluded from savings groups, let alone rights groups. Those in groups still struggle to get organised, obtain funds, find time to meet regularly. Additionally, although many men seem to allow their wives to get involved in those groups as they see benefits for the household, some do not appreciate to see their wives emancipated.

⁴⁰ Interview with Female Leader of the Kasenyi Women Savings Group, Buliisa Sub-County, Buliisa District, 9 May 2018, transcript.

⁴¹ FGD with Community Leaders, Buliisa Sub-County, Buliisa District, 9 May 2018, transcript.

- In the oil sector, women should be supported in forming groups through which they can not only save up what they earn, but invest in businesses that will be profitable thanks to oil developments. Women should be informed about the requirements to be eligible to deal with companies, and engaged in reflexions about how and in which sector to develop their businesses.
- Facilitate access for women to financial facilities such as banks, savings and credit institutions, microcredit institutions, etc. This includes sensitising women about how to access and use those facilities, but also working with financial institutions on reducing current barriers to entry.

To the central government:

- Lead research to identify the sectors that are most promising for women in view of extractive developments.
- Step up the investment in women entrepreneurship and training programmes, especially in regions where extractive industry developments create additional challenges for women.
- Ease access to financial facilities for women through softening some of the requirements, especially in regions where the extractive industry is developing (such as low credit rates, etc.).

To companies:

- Heed the intersectional nature of discrimination faced by women in accessing jobs in recruitment, service provision and other interface of economic nature with local communities

II.1.2. Exploring other avenues of protest

Much as collective mobilisation was relatively rare in light of the wide array of negative impacts EI developments have had on women, our research found some examples of protests aiming to protect their livelihoods and economic conditions.

In February 2018, one of the women miners groups⁴² initiated a strike at Kosiroi mining site in Moroto. Women's complaints covered a wide range of issues, among which occurrences of sexual abuse by company workers and the failure of the company to sign a Memorandum of Understanding (MoU) with communities and local authorities – which contains provisions to protect the community's land rights, the environment, as well as guarantees that the community will continue to be employed. One of them recalls:

"This was triggered by rumours in the community that the companies in Kosiroi wanted to grab away our land and chase us away from the mines. It also took place amidst many problems we had been facing, such as poor payment, failure to be paid on time and many others. We moved as a group and laid down on the road, until the manager of Tororo Cement came and told us that in two weeks, he was going to change prices, treat people well and that women should go back home."⁴³

Not all community and family members were supportive of the strike. Some complained their families were starving and women should let go of the strike and start selling limestone again.⁴⁴ However, while some men did not condone the action – “[my husband] can never

⁴² The group was in the process of legally registering at the time of writing.

⁴³ Interview with Female Limestone Miner (3), Tapac Sub-County, Moroto District, 19 April 2018, transcript.

⁴⁴ Ibid.

allow me to join women's group to protest or strike because he said those women who join strikes are ill-mannered"⁴⁵ – "some also support women's actions because they know it is for the wellbeing of the whole community"⁴⁶. Other accounts mention that the company "started scaring off miners that whoever tampers with any vehicle will be taken for imprisonment."⁴⁷

Such divergences in the reactions underline the fact that women collective actions are not only judged for the value they bring to the community, but also in view of the fact that these actions can affect their role as breadwinner in the family.

A second illustration of collective protest took place in July 2017. Women affected by the oil refinery project in Kabaale undertook to contact local NGOs. They denounced important delays in the resettlement process, resulting, among others, in food insecurity and school drop-outs (see Section I.3.).⁴⁸ One of the NGOs contacted supported women to write a petition to their area MPs:

"[...] as women, we came together and wrote a petition talking about all those problems [issue of women discriminated against during the compensation process] and distributed it to all the necessary NGOs. We took one copy to Pius Wakabi, the MP, the other we took it to the woman MP. [...] MP Pius read the petition on radio, then we knew it had reached him. That's what he helped us with: it reached other people."⁴⁹

The involved NGO later on invited the MPs to come and meet the women in Bunyoro. According to them, the MPs promised to table the matters in Parliament, and different parliamentary committees consequently visited the refinery-affected communities.

The petitioning process required the support of several actors: first complaints were made to an NGO, which then supported women to address their petition to the MPs, one of whom mediated the petition. Eventually, what started as a women-focused enterprise became a political matter discussed in Parliament. Interestingly, similarly to the first example provided, action was undertaken by a savings group, which provided the basic form of organisation necessary to initiate the action.

Even though multiple elements probably influenced the outcome, women perceived their action as effective:

"The petition was successful because two months after we wrote it and it was aired, people were already being called to be handed their houses. They also started giving out food to those who had not yet resettled [...]. It means that when we have an issue we can go through such procedures and get help."⁵⁰

A third example, in the oil industry context, is the initiative taken to contact Synergy Global, one of the companies contracted by the JV to survey the land in Buliisa. A male community leader explains:

⁴⁵ Interview with Female Limestone Miner (2), Tapac Sub-County, Moroto District, 18 April 2018, transcript.

⁴⁶ FGD with Community Leaders, Tapac Sub-County, Moroto District, 19 April 2018, transcript.

⁴⁷ Interview with Female Limestone Miner (5), Tapac Sub-County, Moroto District, 18 April 2018, transcript.

⁴⁸ See also Mangula George, "Oil refinery project: Bunyoro MPs to meet Hoima residents", *Eagle Online*, 24 August 2017.

⁴⁹ Interview with Resettled Female Farmer (2), Buseruka Sub-County, Hoima District, 9 May 2018, transcript.

⁵⁰ Ibid.

"Last year around July, some South African men came to do surveying and they wanted about eight people who have at least completed senior four. Men wanted to take advantage of the jobs but women wrote a letter to the CLO [Community Liaison Officer dispatched by the company], and they even called him to the village. They told him, now, we need gender balance [...]. The CLO came to us and we told him that the women are right. They are tired of remaining in the kitchen cooking. So, you should also give them a chance. As a result they gave the chances to two women [...]. They are working as housekeepers in that very company."⁵¹

As in the other two cases, this example is about an economic concern: access to employment. Men were given preference by the company, which emboldened women to protest through the CLO. Noticeably, arguments of gender equality were put forward: claims were not only about restoring what had been lost, but also about emancipation and women's determination not to be left out.

Such chains of events, in which women start an action and men take it over, are also seen in Karamoja:

"If a foreigner who wants to steal the minerals comes to the community, the women are the first to raise concerns and make noise in the community. When the men hear about it they come and deal with the person."⁵²

Another example was the initiative taken by women to act out dramas to raise awareness on the dangers of collapsing mine pits. As a result,

"Men saw women doing a great job [...] and supported the women in blocking the holes that were falling on people in the mines."⁵³



In the different forms of protest illustrated in this section, women reacted to a situation in which they were prevented from accessing actual or potential means of subsistence. They collectively reacted to those violations of their economic power in different ways, ranging from strike to petition or addressing themselves directly to intermediaries between companies and communities. Arguably, this active engagement could be explained by pragmatic considerations according to which women do not only mobilise around these issues because of their vital importance, but also make use of available means by relying on savings groups as a framework to devise collective protest.

⁵¹ Interview with Male Member of Resettlement Planning Committee and Youth Chairperson Kasenyi Village, Buliisa Sub-County, Buliisa District, 9 May 2018.

⁵² FGD with Community Leaders, Tapac Sub-County, Moroto District, 18 April 2018, transcript.

⁵³ Ibid.

RECOMMENDATIONS

To CSOs, local authorities and the central government:

- Develop projects supporting the formation and strengthening of women's rights groups, including through the training and sensitising of savings group that are already in existence. This includes increasing the leadership, advocacy and organisational skills of women's groups members, but also sensitising them about their rights as women, workers, and inhabitants of areas in which EI's are developing.
- Working on developing women leadership at local level, creating incentives and opportunities (including financial) for women to endorse leadership roles.

To all actors:

- Fostering gender equality in representative and decision-making structures at community level, engaging both men and women. This not only includes setting quotas, but also showing by example in one's internal structure, requesting from other actors they interact with that they provide evidence that women participation is taken seriously, condition collaboration of funding to effective measures for women participation, etc.

II.2. Women's few responses to gender injustice

Beyond those few examples of mobilisation, little women-led initiatives were launched to face injustice when women's economic power was not or less directly affected. On the collective side, women reported no initiative to tackle environmental issues. When it comes to health issues encountered in the mining industry, the recurrently mentioned solution was to go to the closest health facility, but no collective action seems to have been undertaken although health problems persist due to chronic lack of adequate care. There was also little women-led mobilisation against GBV. From an individual point of view, we observed some recourse to justice and grievances mechanisms to denounce rape cases and violations of women land and property rights, but those avenues are limited in their effectiveness and ability to bring structural change.

The discrepancy between the wide array of injustices faced by women and the relatively few reactions they report, should be read in the light of the socio-cultural norms that constrain women's agency and narrow it down to largely pragmatic considerations. Additionally, our data suggests another explanation: the fact that women often have to rely on external actors (men, NGOs, leaders, companies) for their actions to be successful. This section analyses those external constraints, putting forward the argument that EIs contributed to increase the unreliability of supporting structures through weakening existing institutions (justice mechanisms and local leaders) and relying on existing discriminatory gender practices.

II.2.1. Limited justice avenues

In Uganda, Justice can be very roughly summarised as consisting of two parallel systems: the formal Court system and a complex system of locally-based justice which widely varies across regions. Courts are little accessible to the vast majority of Ugandans, particularly women who tend to be less confident in Courts' ability to deliver fair and adequate solutions to their problems.⁵⁴ Ugandans widely resort to more easily accessible community or traditional

⁵⁴ The Hague Institute for the Internationalization of Law (HIIL), *Justice Needs in Uganda 2016: Legal problems in daily life* (The Hague: April 2016), esp. 155.

mechanisms, in which the local leadership is the main justice actor.⁵⁵ The 'local leadership' covers a broad spectrum of individuals whose competence to administer justice is foreseen or not under the Law. It encompasses: political and administrative staff at Village, Parish, Sub-County and District levels (mostly Local Councils I, III and V)⁵⁶; traditional leaders such as the Council of Elders in Karamoja; Religious leaders; anyone in a position of leadership in the community who is called upon to solve issues.

When faced with issues related to EIs, women make use of various justice avenues. In Tapac for instance, a series of reported rape cases by company workers prompted the filing of complaints to the police. The upsurge in such rape cases in the previous year did not prompt women to mobilise against GBV as such: those issues were put forward during the strike but diluted among other claims. In Rupa, rape cases were reported to the Sub-County Chairman, who then "arrested and beat" the culprits⁵⁷ – miners in this instance.

In the oil context, remedy to different types of justice mechanisms mostly concerned violations of women's land and property rights during land acquisition processes. A few Court cases were reportedly initiated, together with men. However, they were burdened by severe delays, and the victims and their legal representatives denounce the corruption crimping the system.⁵⁸ Those are widely recognised vices in Ugandan Courts, explaining why the majority of women interviewed during our research resorted instead to community leaders to solve their issues. In some cases, those leaders referred women to grievance mechanisms established by companies to handle issues related to the acquisition process. There were no accounts of such mechanisms being approached directly. A women leader consulted by a farmer whose land in Kabaale was grabbed by her husband explains:

"We first discussed it as women, then afterwards we said let's call those guys of the company and tell them the issue. They stayed with that lady and resolved it but that query came out when we were sitting among women."⁵⁹

In sum, three types of remedies are available to women facing a legal problem arising in the context of EIs: Courts, local and traditional mechanisms, and company grievance mechanisms. Courts are rarely considered by women to solve their issues, a fact that has not been changed by the arrival of EIs. Local leaders are, on the other hand, often resorted to. Yet, we argue in the next section that local leaders' role as justice actors tends to be hindered when dealing with issues involving EIs. Finally, a new avenue for remedy has emerged: company grievance mechanisms. Section II.2.3 unpacks how those can also prove problematic for women.

⁵⁵ International Alert, *Governance and livelihoods*, 37-38.

⁵⁶ Including also Community Development Officers, Youth and Women Councillors, Chief Administrative Officers, etc.

⁵⁷ Interview with Female Gold Miner (2), Rupa Sub-County, Moroto District, 19 April 2018, transcript.

⁵⁸ In a case opposing residents expropriated from their land in Kabaale Parish, this led to a threat to march to the Principal Judge's Office in Kampala. The march did not take place, but the Judge re-allocated the file to another judge so as to speed up the process. See: AFIEGO, "Press release: Principal Judge directs for expeditious hearing of refinery-affected people's court case", 10 April 2018.

⁵⁹ Interview with Female Community Worker, Buseruka Sub-County, Hoima District, 10 May 2018, transcript.

RECOMMENDATIONS

To CSOs/legal aid service providers:

- Give audience to women and communities aggrieved by industries and ensure referral to the justice actor most in state to solve the case at stake.

To the Justice, Law and Order Sector:

- Set up a system of fast tracking for cases related to extractive industries handled in Courts of law.
- Fast track the adoption of missing legislation to hold accountable the companies and State agents acting in the context of industrial exploitation of natural resources.⁶⁰

To national government and parliament:

- Increase of the visibility and accessibility of non-judicial State grievance mechanisms such as the Equal Opportunities Commission and the Uganda Human Rights Commission, which remain largely unknown to the wider public.

II.2.2. A weakened local leadership

The arrival of extractive industries has impacted the local leadership's ability to intervene as justice actors. In spite of their crucial role in handling all sorts of conflicts at community-level, especially for women who resort more often to informal and local dispute resolution mechanisms,⁶¹ traditional and local authorities appear powerless in solving many of the issues involving mining or oil industries.

Leaders and community members alike shared this perception. One Chairman LCI in Hoima reports:

"As local council leaders, we do not have much power to do anything. In case of [oil-related] issues, we just sit with the [Resettlement Planning] Committee and we tell them to help us.[...] For us, we just help people on issues like theft, solving family issues but for anything to do with the higher authorities, we just call upon our Committee to help us."⁶²

Similarly, a religious leader in Buseruka recounted how he referred a woman with a land-related family issue that arose during the compensation process to the company-designated officers.

Those accounts highlight a tendency for company structures to replace existing justice pathways for handling issues falling within their mandate – acquisitions, resettlement, compensations. In a previous report, ASF found that in Moroto, local justice mechanisms such as Local Councils were not consulted to adjudicate on business-related issues, concluding that the latter's "lack of formal recognition also aggravates the power imbalances between the communities and the business, leaving cultural leaders with no authority to summon representatives of mining industries."⁶³ Our data supports those findings in the oil industry context as well.

⁶⁰ Several gaps in the policy and legislative frameworks were highlighted in a baseline conducted by the Ugandan Consortium for Corporate Accountability. See UCCA, *The State of Corporate Accountability*.

⁶¹ HIIL, *Justice Needs*, 67-68.

⁶² Interview with Nyahaira Village Chairman LC1, Buseruka Sub-County, Hoima District, 10 May 2018.

⁶³ ASF, *Human Rights Implications*, 45.

In Moroto, where companies fail to offer remedies, women seem to be resorting to actors with a high-perceived degree of authority or legitimacy. The police are often consulted about mining-related problems, even for issues that do not fall within their mandate. Women also present their concerns to Sub-County leaders or NGOs. This is however not a new phenomenon, and our data does not enable us to see if resort to those actors increased with the growth of EIs.

What is clear on the other hand is a reluctance to consult Elders for EI matters, which is not only linked to perceptions of incompetence but also of corruption:

"Our land was being grabbed by the companies in disguise of ignorant Elders' approval who barely know nothing but were just bribed with little money."⁶⁴

While such remarks highlight the perceived disempowerment of the local leadership in a context of heightened power imbalances, they also reveal a tendency from companies to use this local leadership as a gateway to the local communities and resources –not always necessarily with the bad intentions implied by our respondent.

Indeed, informal discussions with company and government representatives highlighted the companies' strong reliance on the local leadership not only for consulting communities, but also for solving conflicts arising as a consequence of their activities. Local leaders are involved in handling grievances at different levels. Many of them are members of project affected people (PAP) committees or chosen as Community Liaison Officers (CLOs), who are first line actors in corporate grievance systems (see below). Further, leaders with high perceived authority at local level are also called upon by companies and government officials when conflicts escalate, including between individuals of the communities.

Eventually, there results an apparent contradiction between a de-structuring and strengthening effect of EIs on the local leadership. Either ways, there is a potentially adverse impact on women, as the structures familiar to them are being undermined on the one hand, and patriarchal community mechanisms are being reinforced on the other. At this stage, our data enables us to point at the knowledge and practice gaps on which this ambivalence is rooted. Firstly, conflicts arising in EI contexts are often complex knots of family, land and other issues, multiplying entry and end points for conflict resolution and adding to the difficulties – or opportunities - for justice-seekers to find adequate pathways. More importantly, stakeholders at all levels – industries, government and civil society – have rushed towards local leaders as a medium to access communities without much questioning about who falls under this category, the role of its various members and their (perceived) legitimacy.



Kosiroi limestone extraction site
in Tapac District

⁶⁴ FGD with Community Leaders, Tapac Sub-County, Moroto District, 19 April 2018, transcript.

RECOMMENDATIONS

To researchers:

- Carry out research to unpack the concept of “local leadership” so as to better understand their roles, functioning and legitimacy. This nuanced approach should in turn inform the way in which all actors interact with local leaders.

To CSOs:

- Engage in constructive monitoring processes of the actions of local leaders in relation with private companies
- Continue to train local leaders in Alternative Dispute Resolution to ensure that their practice is consistent with international standards, especially when it comes to gender equality.

To the Justice, Law and Order Sector:

- Acknowledge the role of community-based justice actors through a better recognition of the outcomes of community-based conflict resolution mechanisms. Provided conflict resolution meet certain requirements of form and procedure, such a recognition could help strengthen the local leadership’s position against the companies.

To companies:

- Recognise existing gender bias in community conflict resolution mechanisms and take corrective measures so that they are not reproduced in company grievance mechanisms.
- Be transparent in their relation with local leaders and make visible to the wider public any relation with local leaders that may affect their neutrality as dispute resolution practitioners.

II.2.3. Inadequate company responses

While companies involved in the extractive industry generated, directly or indirectly, numerous violations and abuses of human rights,⁶⁵ our research shows that they do not adequately mitigate the negative effects on communities, and on women in particular. We observed two strategies devised by companies to deal with issues arising with local communities: (1) to limit contacts and avoid endorsing any form of responsibility, as is the case in for mining companies in the surveyed areas; (2) to establish groups of project affected people (PAP) representatives and grievance mechanisms to channel and answer the concerns of local communities – a flawed strategy that either tends to reproduce discriminatory gender patterns or does not offer guarantees of independence. In such an environment, the room for women to express their grievances and respond to injustices is greatly reduced.

According to those interviewed in Moroto, whichever their gender or status, “bad faith” tends to characterise mining companies operating in the District. A case in point is the failure of Tororo Cement to sign the MoU long negotiated with the community and local authorities. Numerous cases of land-grabbing and lack of communication with the local governments and populations have also been reported, to us and elsewhere.⁶⁶

Companies are further seen as direct competitors for the exploitation of minerals:

⁶⁵ See a.o. ASF, *Human Rights Implications*; UCCA, *The State of Corporate Accountability*, esp. 67-87; HRW, *Impact of Mining*.

⁶⁶ See ASF, *Human Rights Implications*, 20-24 ; Saferworld, *Mining in Uganda*, 12-13.

"We work for ourselves, we do not have companies working at Lotonyir mining site. The people do not want them here because they say it is where the people get a living from, and they do not want anyone there apart from the locals."⁶⁷

On the other hand, companies in the oil sector have shown more commitment toward the inclusion of local communities in oil developments. Companies are likely encouraged by the high visibility of the oil topic in the country and international attention on oil companies on issues of corporate responsibility⁶⁸. Detailed provisions about the latter are contained in publicly available documents such as the Land Acquisition and Resettlement Framework (LARP)⁶⁹ and the recent Resettlement Action Plan (RAP) for the Central Processing Facility (CPF).⁷⁰ These commitments are made tangible to local communities through the availing of new facilities (schools, health centres, boreholes) and various training programmes.

Additionally, local structures were set up to interact with representatives of the communities forced to relocate, such as the Oil Refinery Resettlement Committee in Kabaale or the Resettlement Planning Committee (RPC) in Kansenyi, as well as at District and government levels. Grievance mechanisms have been established to handle complaints arising during the compensation and resettlement processes – as advised under the UN Guiding Principles on Business and Human Rights.⁷¹

This complex system for addressing communities' complaints and needs is problematic for women in several ways. First, the committees established and their operational modes rely on existing mechanisms of representation and participation, reproducing discriminatory patterns and power imbalances. Several women, especially those less educated, mention for instance how their husbands prevent them from attending community meetings called to discuss EI-related issues, or if allowed to join, from expressing their opinions.⁷²

As to the grievance mechanisms, a closer look at, for instance, the procedure set out in the RAP for the CPF shows that at all stages, actors appointed or employed by the JV partners are in charge: the CLO, RPC and DIRCO (District Resettlement Coordination Committee), or their own legal department. This offers insufficient guarantees of independence – at least on paper, as our data does not provide us with enough details about the guarantees offered to complainants in practice.⁷³ In a context where imbalances of power between communities and companies, but also within communities, are great, biased grievance mechanisms pose serious risks of exploitation of the more vulnerable.

More generally, grievance mechanisms contribute to hollowing out existing community justice mechanisms, as hinted at already, but also the Court system. In the above-mentioned report, ASF had stressed that grievance mechanisms set up under the RAP for the oil refinery project in Hoima were presented to communities as the only legitimate avenue for settling issues

⁶⁷ Interview with Female Gold Miner (2), Rupa Sub-County, Moroto District, 18 April 2018, transcript.

⁶⁸ Cf. e.g. United Nations, *Guiding Principles on Business and Human Rights* (New York and Geneva: 2011)

⁶⁹ The LARP "provide[s] an overarching framework specific to the development of upstream oil and gas facilities in the Albertine Graben", Government of Uganda et al, *LARP*, 1.

⁷⁰ Atacama Consulting, Synergy Global Consulting Ltd and Nomad Consulting, *Resettlement Action Plan 1 (RAP1) for the proposed Industrial Area and N1 Access Road* (Kampala: January 2018). Available at <http://ug.total.com/en/tilenga-project-rap-1-report>. See also Government of Uganda et al, *LARP*.

⁷¹ UN, *Guiding Principles*, para. 25-31.

⁷² This is also by data collected during ASF's projects implementation.

⁷³ Atacama Consulting et al., *RAP 1*, 107.

related to compensations and resettlement.⁷⁴ This, in turn, was pointed out as a possible reason for the “[a]ffected communities’ lack of use of the formal justice mechanisms.”⁷⁵

Eventually, companies in the oil sector do not only monopolise participatory, but also judicial avenues for affected women. This could contribute to inhibit action as women are not only excluded from consultation and decision-making around EIs, but also driven into resolution mechanisms alien to them. This is not unproblematic as women tend to resort to justice actors they feel are accessible to them.⁷⁶ As shown above, women who interacted with companies’ grievance mechanisms indeed went through third parties such as local or women’s leaders. This notwithstanding, they were usually satisfied with the outcome. An element of explanation, which needs further empirical backing, could be that in spite of their bias towards industries grievance mechanisms offer the advantage of being outside the community, enabling women to escape the patriarchal attitudes still characterising some local leaders.

RECOMMENDATIONS

To central government:

- Redress the imbalance of power between companies and communities through the development and enforcement of laws and regulations that secure the rights of affected communities, such as environmental, labour, employment and land laws. Combatting gender discriminations should be maintained throughout those efforts as a priority.
- Continue working towards a better regulation of artisanal and small-scale mining in order to protect miner’s right, while ensuring that small-scale miners’ interests, women’s in particular, are not jeopardised by excessive regulations.

To companies:

- Recognize the gender bias in the community representation and decision-making bodies, and establish corrective measures in the structures companies establish to interact with communities.
- In the mining sector, act in good faith and negotiate memoranda of understanding with communities and local authorities in which companies commit to respect the rights of communities living in the vicinity of their activities.
- Refrain from presenting grievance mechanisms as the only valid way of handling grievances arising in the context of EI developments.
- Abide by the Business and Human Rights Principles and ensure that company grievance procedures respect independence and neutrality principles.

II.2.4. Unreliable administrative and political institutions

While EIs, in the oil context in particular, contribute to reducing associative and judicial spaces for contestation in which women already had little room for action, politico-administrative actors can play a central role in closing the gaps by amplifying women’s voices and supporting their initiatives. However, our research shows that those institutions have been inconsistent, if not entirely absent, when it comes to answering women’s concerns and promoting their rights. This is certainly the case for central authorities, which most respondents see as distant, corrupt and siding with companies. Generally, they are not considered by women as an actor

⁷⁴ ASF, *Human Rights Implications*, 47.

⁷⁵ Ibid.

⁷⁶ HIIL, *Justice Needs*, 67-68.

they can rely on, especially in Karamoja. An exception to this are area MPs who, as showed above are sometimes responsive to actions, but they have shown very variable degrees of commitment.

Local governments on the other hand, Sub-Counties in particular, seem to be a relevant space for relaying women's voices and acting in their interest. On the whole, local government structures remain largely male-dominated, particularly in Karamoja, and policies taken to mitigate the effects of EIs are not always gender sensitive.⁷⁷ As is the case for community structures, women tend to be confined to roles of women representation and equal participation is far from achieved. Yet, many of our respondents confirmed that women voices are heard within Sub-County and Village institutions, for instance through women-specific meetings. In turn, several examples show that local officials have been supporting women. The CDO in Rupa Sub-County is for instance deeply engaged with civil society on various gender projects. The Women Councillor in Buliisa described initiatives she took in forming and guiding of women savings groups, while the CDO in Buseruka trained women in her community to form groups to apply to above-mentioned UWEP initiative.

From our research, support of local governments to women appeared to be largely dependent on personal will, a fact probably reinforced by the weak legal and policy frameworks regarding the role of local governments and high potential for corruption within the extractive industry sector.⁷⁸ This is clearly apparent in Moroto, where the two Sub-Counties surveyed show opposite types of behaviour. In Rupa, authorities have been proactive in raising awareness, passing by-laws and establishing rules which protect miners and women in particular. The Sub-County is perceived positively by women and civil society actors we interacted with, and it is an actor frequently resorted to for solving issues. On the other hand, no such action has been reported in Tapac, where Sub-County leaders are perceived as corrupt, powerless and unwilling to act:

" [...] most times leaders are not even involved [in community meetings], especially the ones of the Sub-County."⁷⁹

The discrepancy between Tapac and Rupa demonstrates how, if Sub-Counties can be instrumental in fostering the rights of women and their communities, they cannot be a guarantee of consistent support to women facing the consequences of EIs' growing presence. The role of local government was a salient topic during the restitutions of our findings we organized in both surveyed areas. Discussions highlighted how industrial developments exacerbated existing cracks in the governance structures while reducing the public duty-bearers' room for manoeuvre in serving their constituencies. The gap between national and local governments was pointed out by representatives of the latter to explain their inability to inform and protect their communities. Lower levels of administration are usually not aware of the latest developments, and unable to fulfil their role. An interesting discussion arose in Hoima between a Women Councillor at Parish level and CSO members who were criticizing the local governments' inefficiency. She pointed at the limitations she faced as local civil

⁷⁷ Buseruka Sub-County has for instance taken the lead on boosting local employment through locating the human resource office of the company in charge of building the airport (SBK) in its headquarters, but our interactions with the HR director showed that a very small proportion of women (4 to 8% depending on the level of education required) is eventually being hired. Interview with SBK Human Resource Director, Buseruka Sub-County, Hoima District, 9 May 2018.

⁷⁸ The Minerals Policy and Oil and Gas Policy barely or do not mention local governments as part of the institutional framework for implementation. For mining see: Saferworld, *Mining in Uganda*, 11-14. Hinton, Jennifer *et al.*, *Baseline Assessment of Development Minerals in Uganda*, Volume 1, ACP-EU Development Minerals Programme and UNDP (Kampala: March 2018), 85ff.

⁷⁹ Interview with Female Limestone Miner (2), Tapac Sub-County, Moroto District, 18 April 2018, transcript.

servants have to fulfil their obligations towards the state and follow the central government's line, while not being involved in or even informed about decisions taken centrally.

In that context, local governments' power to act against companies is limited. Often, local governments are by-passed as companies obtain their licenses directly from the central government. In Moroto, several local authorities explained how they saw companies arriving in their district of sub-county without having been informed. While possibilities exist for local government to call companies to respect their obligations (for instance asking that they provide legal documentation, pass by-laws or ordinances, etc.), those remain generally underused. Finally, local governments' vulnerability against companies is compounded by the poor material conditions in which they must operate. Under the principle of corporate responsibility, companies can easily buy their reputation through building a school or a health center. Anything is good to take when resources are scarce, placing local governments in a difficult position to contest the companies' wrongdoings.

RECOMMENDATIONS

To civil society:

- Act as a bridge between communities and their governments at all level, ensuring the information flow between both sides. CSOs can play a role in relaying the concerns of communities to authorities, while monitoring that authorities respect their obligations in terms of information and consultation of communities.

To local authorities:

- Play their watchdog role by keeping track of mineral activities in their constituency and following up of the implementation of measures contained in Environmental and Social Impact Assessment, MoUs or other documents setting obligations for companies.
- Use their regulatory power to better control the activities of companies active in their territories. This includes imposing companies to adopt gender-specific measures.
- Maintain transparency to communities regarding the sharing of information on extractive industry developments.
- Lead by example and embrace gender equality principles in all internal procedures, policies...

To the central government;

- Implement its obligation to protect the rights of the citizens through the development of protection legal and policy frameworks (UNGP)
- Adhere to the Extractives Industries Transparency Initiative and implement its principles of transparency and good governance in the management of the country's natural resources (e.g. licensing processes, profit sharing, etc.).
- Better coordinate with local governments on the topic of extractives through regular dialogues and routine meetings. Clarifying the roles of each level of government would help all actors to know their rights and obligations, and fully commit to those.
- Ensure that companies fulfil their contract and require that licensing contracts include provisions on Corporate Social Responsibility that are in line with local realities, as well as proper gender strategies.
- Develop a transparent communication strategy towards communities affected by oil and mineral exploitation, which also maintains realistic expectations as to what they will get out of those developments.
- Lead by example and embrace gender equality principles in all internal procedures, policies...

CONCLUSION

As any important factor of change, EIs have brought about positive and negative consequences for the communities in which they developed. The context in which change takes place proves determinant in enabling or constraining women's ability to solve problems and seize opportunities. Based on women's perceptions and voices, this study put forward three elements of context which can help explain women's reactions to change in the face of EIs. First, the weight of patriarchal traditions still largely determine women's role in rural communities and does not only shape the way women perceive change, but also their rationale in reacting to it. Second, under such circumstances, the existence of savings groups has constituted a crucial pre-condition to act: such groups offer bases for collectively thinking the action while public spaces are little accessible to women. Thirdly, the institutional framework does not provide effective and reliable avenues for action and redress when women's rights are violated amidst EI developments. This external factor is a pivotal element in determining whether a given initiative will be constrained or supported, and eventually successful.

In that respect, the position of each actor claiming a stake in solving conflicts around the management of natural resources is determinant. Against an already very imperfect institutional background, industrial developments have set profound power shifts in motion within local leadership structures. This is not only taking place at the expense of those in vulnerable positions, but also impacting the position of those currently holding power within communities. With the multiplication of actors involved in conflict resolution and the de-/restructuring of existing structures, higher risks for power abuse emerge.

Those risks can be mitigated through a multi-faceted legal empowerment action, targeting actors across the whole justice spectrum. On the demand side, women and communities affected by industrial developments need to be equipped with sufficient knowledge and tools to not only redress the injustices they might face, but take an active stance in socio-economic developments. New realities call for a redefinition of the target groups of legal empowerment programmes, focussing on socio-economic rights and looking at new categories of vulnerable justice seekers, such as miners and small entrepreneurs. Among those groups, women deserve specific attention as they continue to face challenges tied to their position in society. The new configurations of local politics, in which companies are possibly now playing a more prominent role under the disguise of corporate responsibility, also highlight the necessity to strengthen the communities' ability to monitor and hold their elites accountable.

Of equal importance is to work on the supply side, ensuring the availability and efficiency of justice mechanisms across the entire spectrum. Our study shows that the main variable determining women's ability to take initiatives – in other words, to activate their rights – is the availability and quality of external support structures. Another component of legal empowerment programmes entails to work on coordinating those mechanisms into more coherent justice journeys (e.g. through referrals pathways between actors at different levels, the availing of services at community-level). Actions range from strengthening community-based justice actors, such as community-based legal volunteers and alternative dispute resolution mechanisms, to enacting and implementing laws through which private and public stakeholders in the extractive industry can be held accountable.

Digging for power.

Women empowerment and justice amidst extractive industry developments in the Albertine and Karamoja, Uganda

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